

In The Zone Tobacco-FREE Project February 16, 2007

1879 Kingsford Drive Corona, CA 92880

Phone: 951-371-1311
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dnewton@linkline.com

Mr. Robert H. Christman, Mayor City of Loma Linda 25541 Barton Road Loma Linda, CA 92354

Dear Mayor Christman:

I would like to congratulate the Loma Linda City Council for considering an ordinance to regulate smoking in your city. With the high number of families suffering with asthma and other severe respiratory disease, reducing the smoke throughout your city is the right thing to do.

4. J. M.

As the director of In The Zone Tobacco Free Project, I would like to ask the council to consider including smoke-free zones at multiple unit housing. Not just in common areas, but smoke-free apartments where families can raise their children in a smoke-free environment. Tenants who live in apartments, townhouses and condos should have the same rights as homeowners by living smoke-free!

In multiple unit housing, when your neighbor smokes, you smoke. The cigarette is far reaching and the smoke can pass through vents, outlets, windows, etc., entering into the neighbors space. However, if complexes offer sections of rental units to be designated as smoke-free zones, families will enjoy the right to live smoke-free and provide their children a healthier home. Smoke-free policies are also good for complex managers and owners. Smoke-free buildings cost less to insure and clean up is so much easier (and less costly) when a smoke-free tenant moves on.

I hope you will consider my input for your city's ordinance. For the health and safety of the families living in rental units in Loma Linda, providing a smoke-free environment will only enhance the lifestyle in your community.

Sincerely,

Donna R. Newton
Project Director

This letterhead is funded by Prop. 99, The Tobacco Tax Initiative of 1988.



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Polling Shows Strong Support For Smoke-FREE Apartments

A telephone survey of 602 apartment residents in the summer of 2004 revealed that:

- *69% favored requiring all apartment buildings offer non-smoking sections
- *67% favored limiting smoking in outdoor common areas such as pool areas, entryways and courtyards
- *83% indicated that if the apartment building became smoke-free, there are places nearby where people could smoke, such as sidewalks or parking lots
- *90% of tenants believe second-hand smoke is harmful
- *46% have experienced smoke drifting into their apartment
- *73% indicated children live in their apartment building
- *25% reported tenants who live in their complex had chronic heart or lung diseases such as asthma or emphysema
- *60% were NOT aware that current laws prohibit smoking indoor common areas such as the lobby, stairwells, laundry rooms, etc.



84% of Californians do not smoke!

Polling conducted by Goodwin-Simon Strategic Research and commissioned by the Center for Tobacco Policy & Organizing—a project of the American Lung Association of California, funded by the CDHS, Tobacco Control Section.

This letterhead is funded by Prop. 99,
The Tobacco Tax
Initiative of 1988.

More recently, In The Zone Tobacco-FREE Project conducted local surveys in Corona, Riverside, San Bernardino, Fontana, and Ontario, with residents of apartments, townhouses, and condos. . . the results were overwhelming in favor of smoke-free apartments. Residents of multiple unit housing want the same rights as homeowners—smoke-free living. For the health and safety of all families, smoke-free living at multiple unit housing is good for everyone.



Smoke-free multi-unit housing is a win-win situation for all. Going smoke-free can improve both the fiscal health of apartment owners and the personal health of their tenants.

Good for Tenants

There is overwhelming scientific evidence that secondhand smoke is a toxic air pollutant that causes tens of thousands of deaths each year in the United States.

For Californians, especially families with children, there is a renewed urgency to avoid exposure to secondhand smoke.

- In January 2006, the California Air Resources Board designated secondhand smoke as a toxic air contaminant in the same category as the most toxic automotive and industrial pollutants.
- The U.S. Surgeon General in June 2006 stated there is no safe level of exposure to secondhand smoke.

While California law protects indoor workers from secondhand smoke, a family's right to breathe clean air in their own home has been vastly overlooked.

- Smoking in an apartment is not a personal act affecting only the smoker. Drifting smoke indiscriminately impacts neighbors.
- Secondhand smoke seeps into other apartments through shared ventilation systems, open windows, and gaps around electrical wiring, plumbing and ductwork.
- The nearly 14 million Californians who live in rental units deserve protection from toxic secondhand smoke.
 (2000 U.S. Census Bureau, State & County Quick Facts)

Protection from secondhand smoke in the home should not be an exclusive right of homeowners.

Income and age should not determine who is protected from secondhand smoke.

Smoke-free housing is not a luxury it is a basic health protection that every Californian deserves.

Smoke-free housing is not a privilege—all Californians have a right to breathe air free of toxic secondhand smoke.

Good for Landlords

Building owners have the legal right to make their property smoke-free:

- It is legal for owners and managers to designate an entire building, specific units or common areas as smoke-free.
 - There is no constitutional or legal right to smoke. California's anti-discrimination laws do not apply to smokers. (Public Health Institute, Technical Assistance Legal Center, April 2005, "There is No Constitutional Right to Smoke")
 - Smokers are not a group of people listed as being protected under California's fair housing laws.
 (California of Department of Fair Employment & Housing DFEH/FS/06-2003 Fact Sheet)
 - The right to privacy does not include smoking in one's home. (Public Health Institute, Technical Assistance Legal Center, April 2005, "There is No Constitutional Right to Smoke")
- Smoke-free housing is a smart investment.
 - Smoking damages carpets, drapes and paint with odors and burns.
 - Smoke-free policies decrease the risk of injury and death caused by cigarette-related fires.
- Consumer demand for smoke-free living is strong: 86 percent of California adults do not smoke and nearly 70 percent of renters would support a policy requiring apartment buildings to offer nonsmoking units. (2005 California Adult Tobacco Survey; The Center for Tobacco Policy & Organizing, 2004 Statewide Smoke-free Housing Poll of Apartment Tenants)



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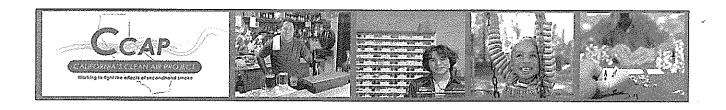
There Is No Constitutional Right to Smoke

- There is no constitutional right to smoke. Claims to the contrary have no legal basis. No court has ever recognized smoking as a fundamental right nor has any court ever found smokers to be a protected class. 1
- The Constitutional "right to privacy" protected by the U.S. Constitution includes only marriage, contraception, family relationships, and the rearing and educating of children.2
- There are groups of people such as groups based on race, national origin and gender —that receive greater protection against discriminatory acts under the U.S. and California constitutions than do other groups of people. 3 Smokers have never been identified as one of these protected groups 4. Smoking is a behavior, not a condition of birth. 5 Smoking is not an "immutable characteristic" because people are not born as smokers; smoking is a behavior that people can stop.
- "No Smoking" rules for apartment units are in the same legal category as "no pets" or "no loud noise" rules. They are legal policies that reduce property damage and protect tenants' right of quiet enjoyment.

YES! YOU CAN CHOOSE TO MAKE YOUR BUILDING SMOKE- FREE!

- 1. People who smoke are not protected by state and federal anti-discrimination laws.
- 2. It is legal to advertise a unit (residential or commercial) as "smoke-free."
- 3. It is legal to ask tenants to acknowledge in the lease or month-to-month rental agreement that they do not smoke and/or will not smoke in the unit they are renting.
- 4. Over 84% of California adults do not smoke, and 80% of those still smoking want to quit.

The Smokefree Apartment House Registry is administered by S.A.F.E. (Smokefree Air For Everyone)



California Air Resources Board Declares Second Hand Smoke Is a Toxic Air Contaminant* January 26, 2006

What is a Toxic Air Contaminant (TAC)?

A Toxic Air Contaminant (TAC) is an air pollutant which may cause or contribute to an increase in deaths or serious illness, or which may pose a present or potential hazard to human health. The Air Resources Board unanimously found that tobacco smoke harms not only the smoker, but innocent bystanders as well. Secondhand Smoke joins benzene, arsenic, and diesel exhaust on the TAC list. The unanimous decision by the Cal EPA's Air Resources Board to declare Secondhand Smoke (SHS) to be a Toxic Air Contaminant was based on a rigorous four year, scientific study that included public comment and independent peer review.

What does tobacco smoke add to California's air each year?

Each year tobacco smoke adds the following to California's air:

- 40 tons of nicotine
- 365 tons of soot and ash
- 1,900 tons of carbon monoxide

What are the health effects of exposure to Secondhand Smoke?

Each year in California, secondhand tobacco smoke is linked to:

- 400 additional lung cancer deaths a year in nonsmokers
- 3,600 deadly heart attacks and
- 31,000 asthma attacks in children.
- State scientists also concluded for the first time that Secondhand Smoke can increase the risk of breast cancer in pre-menopausal women (women under the age of 50) by 68%.

How many Californians are exposed?

Despite strict indoor workplace laws and scattered ordinances related to outdoor smoking, 56% of adults (over age 18), 64% of adolescents (12-17 years) and 38% of children (0-11 years) are currently being exposed to Secondhand Smoke.

What are the next steps for the Air Resources Board (ARB)?

The ARB must undertake a "risk management" analysis to determine options to reduce exposure to and management of secondhand smoke. This is expected to result in recommendations to the state legislature for new laws and enactment of regulations.

Can the state, local communities and businesses act immediately to protect themselves and citizens?

Yes. In fact, the city of Calabasas recently enacted a comprehensive ordinance making the city smoke-free except on private property. Many other opportunities exist for action such as:

- State legislation banning smoking in cars with children.
- Designation of secondhand smoke as a public or private nuisance by local or state government
- Smoking bans in outdoor dining areas, parks, beaches
- Smoking bans in multi-family housing common indoor and outdoor areas
- Smoking bans in apartment units and condominiums.

The possibilities are endless.

Where are most Californians exposed to Secondhand Smoke?

APARTMENTS and CARS

The rental housing industry is increasingly interested in appealing to the 85% of Californians who do not smoke by adopting voluntary smoke-free policies throughout their rental properties.

Developers, owners and managers of multi-family housing are moving quickly to protect their tenants, their property and their bottom line by offering smoke-free units and buildings. They have learned that there is no constitutional right to smoke and that "no smoking" policies are as legal as "no pets" or "no loud noise" policies.

Renters are quickly becoming aware and alarmed enough to seek out and ask for smoke-free premises. More and more nonsmokers are no longer willing to be forced to breathe a toxic air contaminant because a neighbor is smoking on a balcony or because common walls, hallways and ventilation systems do not allow them to choose clean air.

The California Air Resources Board has revealed that exposure to secondhand smoke is extremely unhealthy. Now tenants and landlords both are learning that it is also unnecessary.

*Source: All statistics and data in this fact sheet originate in the Executive Summary Report of the California Air Resources Board, CalEPA- as approved by the Scientific Review Panel on June 24, 2005.

Un-American

Evil wins, when good people do nothing.

I am a concerned American.

This proposal is an un-American activity, aimed at pandering to

Both the politically correct and what has become the anti-smoking cult

As the city council your job is to act as guardians of freedom,

Given the success of this, and similar laws,

You've clearly proven one thing for sure,

We need to fear losing our freedoms, while **YOU'RE** standing guard.

Bob Blair, Bob@GotFreedoms.com P.O. Box 2314, Redlands, Ca 92373

"Inspiring people to question the ever changing definition of Freedom"

Unproven

The anti smoking cult, mostly sponsored by

Unconstitutional taxes.... on those they wish to control.....

With Their lies, half truths and deceptions

They make big tobacco look like Amateurs.

Caught up in their anti-smoking "movement" they have forgotten

Or simply don't care about liberty or the American way.

Harm from outdoor smoking has not been proven

To be a public safety issue.

Unreasonable

History is watching, I am watching.

This proposal is a totally unreasonable attempt at social engineering.

Have we forgotten Socialism and Nazi Germany where neighbors

Turned on neighbors, and children turned in their parents.

We have gone from laws forbidding smoking indoors,

Now you are attempting to outlaw smoking outdoors as well.

I said this was going to happen back then, and was told by all that I was crazy. Folks said they only wanted to eat without the smoke.

Said they didn't care about my house, car or apartment,

and certainly not in the outdoors But the cult continues to grow.

Lets say I'm from out of town, visiting a friend here. I politely step outside to smoke on their patio, only to be breaking the law.

Give me a break, Give freedom a break.



This proposed ordinance is <u>not</u> ground breaking, nor <u>inspiring</u>

It only continues to inspire those who would take away our freedoms.

The city council of Loma Linda should do the right thing for its citizens, and play an important role in protecting and defending our Constitutional freedoms, AND STOP THIS NOW!

I stand for freedom. What do you stand for?

Bob Blair, Bob@gotfreedoms.com P.O. Box 2314, Redlands, Ca 92373

"Inspiring people to question the ever changing definition of Freedom"

(909) 796-6757 (res.)

Michael Scofield 11467 Benton St. Loma Linda, CA 92354

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NMScofield@aol.com

March 13, 2007

Stan Brauer Councilman City of Loma Linda

Dear Mr. Brauer:

I am writing in opposition to any measure which would prohibit smoking on open sidewalks and city streets in Loma Linda.

I am a non-smoker. Society has made great progress in limiting my exposure to cigarette smoke, and I appreciate that. Limiting smoking in closed places, like restaurants and other commercial establishments as well as work places is fine. I think the public good is served by that. But in the open air?

Banning smoking on sidewalks is not needed, and it is difficult to enforce, if not unenforceable. Laws which are enacted but not enforced undermine respect for the rest of the laws which are more important. And thus just makes Loma Linda look silly.

Please vote against such a measure.

Yours very truly,

Michael Scofield

2-18-08 The Mayor of Council Member Re. Smoking Bar Pussatures 2/18/08 Good for you I stopped smoking 20 years ago on 3-23-00. Best thing Deva did, I'm a Viet Vet former Alasher Aug ad List - But smoking was the most different to stope of Stock to your guns I think we should out law to bacco - plon up the filed o

25868 Lawton Ave. Loma Linda CA 92354 February 25, 2008

Councilman Robert Ziprick City of Loma Linda

Dear Bob:

I have been aware of most of the ordinances enacted by the City since incorporation, and the proposed ordinance banning smoking outdoors is probably the silliest yet. Since I will be out of town for the public hearing, I will share my concerns in this letter.

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First, how do you plan to enforce the ordinance? Am I going to be required to make a citizen's arrest if I encounter an infraction? Dial 911? Call the police?

Second, what possible damage to me as a citizen is smoking in public going to do?

I would remind you that there are a large number of ordinances already in the municipal code, designed to protect my property value and quality of life, that are totally ignored. For example:

- 1. 18-wheelers parked at will, often for days at a time, on residential streets;
- Garage conversions, often with garage doors replaced with walls;
- 3. Houses in the process of rebuilding (lasting for years) with families living in trailers in the back yard;
- 4. Front yards totally lacking in landscaping and overgrown with weeds.

When our existing ordinances are enforced with greater energy I would be happy for you to start dreaming up some new ones.

Sincerely,

Ardyce Koobs

COUNTY OF SAN BERNARDINO

DEPARTMENT OF PUBLIC HEALTH

OFFICE OF PUBLIC HEALTH ADMINISTRATION 351 North Mt. View Avenue, Third Floor San Bernardino, CA 92415-0010 (909) 387-9146 Fax (909) 387-6228

4. St. 18

JIM LINDLEY Interim Public Health Director

PAULA MEARES-CONRAD Interim Assistant Director of Public Health

> MARGARET BEED, MD, MPN Health Officer

March 18, 2008

Pamela Byrnes-O'Camb, City Clerk 25541 Barton Road Loma Linda, CA 92354

Dear Mrs. Brynes-O'Camb:

The County of San Bernardino Department of Public Health, Tobacco Use Reduction Now (TURN) program is excited about Loma Linda's efforts to create a healthier smoke-free city. TURN is a state-funded program with valuable resources to assist your city in developing and implementing policies regulating tobacco use.

The enclosed documents are provided as a guide in drafting language for your proposed ordinance:

- Comprehensive Secondhand Smoke Model Ordinance for CA Communities
- Facts on Comprehensive Outdoor Secondhand Smoke Ordinances
- Calabasas, CA Ordinance Regulating Secondhand Smoke

These materials were produced by the **Technical Assistance Legal Center (TALC)**, an organization funded by the California Department of Public Health, as a "one-stop" source for tobacco law and policy issues. TALC attorneys provide high-quality legal technical assistance free of charge for government attorneys, elected officials, health professionals, and advocates. Your direct contacts for services are either Randy Kline, J.D. at (510) 444-8252, ext. 303, or Robin Salsburg, J.D. at (510) 444-8252, ext. 376.

In June 2006, the U.S. Surgeon General stated there is "no safe level" of exposure to secondhand smoke. Jurisdictions such as Temecula, Baldwin Park, Santa Monica, and Contra Costa County have already implemented comprehensive outdoor secondhand smoke ordinances.

TURN applauds the city of Loma Linda. By regulating smoking, residents and visitors exposure to secondhand smoke will decrease and the adverse affects of this harmful toxin will be minimized.

Please feel free to contact me or Melissa Myers, our Secondhand Smoke Specialist with any questions on how TURN could be of further assistance at (909) 387-6831. We look forward to working with you in creating a healthier and safer community.

Sincerely, eruly Jones Whigh

Beverly Jones-Wright

Health Education Specialist II

Encl.

MARK UFFER County Administrative Officer

BRAD MITZELFELT.....First District

DENNIS HANSBERGER.....Third District

JOSIE GONZALES.....Fifth District

PAUL BIANE......Fourth District

Board of Supervisors